

CASE NO.:
Appeal (crl.) 1050 of 2006

PETITIONER:
Ch. Ramoji Rao, Chairman Ramoji Group of Companies and Anr

RESPONDENT:
State of Andhra Pradesh

DATE OF JUDGMENT: 13/10/2006

BENCH:
ARIJIT PASAYAT & LOKESHWAR SINGH PANTA

JUDGMENT:
J U D G M E N T

(Arising out of SLP (Crl.) NO. 3802 OF 2006)

ARIJIT PASAYAT, J.

Leave granted.

Appellants call in question legality of the judgment rendered by a learned Single Judge of the Andhra Pradesh High Court dismissing the application filed by the appellants in terms of Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.'). The prayer was to quash the proceedings in CC No. 2/2006 on the file of the Metropolitan Sessions Judge, City Criminal Courts at Hyderabad. The State of Andhra Pradesh represented by Special Public Prosecutor filed a complaint under Section 200 read with Section 199 Cr.P.C. stating that with a common intention intending to harm the reputation of the Government, of its administration, of the Chief Minister, several minister and several public servants made a telecast on E TV-2 channel with commentary knowing fully that the same would harm reputation of public functionaries. The voice over the commentary was that of the appellant no.2. Many expressions and words used in commentary are per se defamatory. The appellants filed a petition in terms of Section 482 Cr.P.C. The stand was that the complaint was nothing but gross abuse of process of Court. The respondent opposed the application stating that on the facts alleged no interference in terms of Section 482 Cr.P.C. was called for. With reference to Section 499 of the Indian Penal Code, 1860 (in short 'IPC') the High Court dismissed the application, holding that a prima facie case existed and, therefore, no interference was called for.

Though many points were urged in support of the appeal, leaned counsel for the appellants submitted that actually there was no intention in any manner to harm reputation of the Chief Minister, of the Ministers or the officials and, therefore, continuance of the proceedings would not be in public interest.

Learned counsel for the respondent on the other hand submitted that after showing the Chief Minister, ministers and the public officials in poor light, the appellants cannot take the plea of innocence.

After hearing learned counsel at some length, we think

that public interest would be best served in directing following broadcast to be made in the concerned TV channel by the appellants within a period of one week from today.

The telecast would be as follows:-

"A news telecast had been made by the channels E TV-2 on 22.11.2005 covering the visit of the Chief Minister of Andhra Pradesh alongwith some of his ministers and officials to Putta Parthi Sai Baba. The voice over commentary for the said telecast was provided by Smt. Kalyani. It is clarified on behalf of channel E TV-2 that the content of the voice over commentary was not intended in any manner to defame or harm the reputation of the Chief Minister or his entourage of ministers and officials. If it has been construed that way, it is clarified that same was not the intent and purpose of the broadcast."

Learned counsel for the appellants has stated that to show the bonafides the appellants shall make the necessary broadcast within the time indicated.

Learned counsel for the parties have agreed that all proceedings relating to the broadcast shall be withdrawn and shall not be pursued.

The appeal is accordingly disposed of.